

Circuit Court For Johnson City
At Mountain City, Tennessee
DEFENDANT'S COPY

EXHIBIT

tabbies

A

BETTY ROARK

Summons
No. CC-13-CV-136

Plaintiff

VS.

CHARTER COMMUNICATIONS, LLC./
CHARTER COMMUNICATIONS, INC.
d/b/a CHARTER COMMUNICATIONS
327 HILLSBOROUGH STREET,
RALEIGH, NC 27603

Defendants

To the above named defendant(s):

You are hereby summoned and require to serve upon THOMAS C. JESSEE / JESSEE & JESSEE

plaintiff's attorney, whose address is P.O. Box 997, Johnson City, TN 37605-0997

an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this 9 day of December, 2013, at 9: A M.

Carolyn Wilson-Hawkins

Clerk

By: Kathy Beam

Deputy Clerk

Received this _____ day of _____, 20____

Sheriff - Deputy Sheriff

RETURN

I certify and return that I:

☐ served this summons together with the complaint as follows: _____

☐ failed to serve this summons within 30 days after its issuance because _____

Date _____

Deputy Sheriff

I, _____, hereby accept service of process in this case as fully and in all respects, as though I had been personally served by a Deputy Sheriff of Johnson County, and I acknowledge that I received a copy of the summons and complaint in this case.

This the _____ day of _____, 20____.

DEFENDANT'S COPY

Defendant

IN THE CIRCUIT COURT FOR JOHNSON COUNTY
AT MOUNTAIN CITY, TENNESSEE

DEFENDANT'S COPY

BETTY ROARK,

Plaintiff,

V.

NO. CC-13-CV-136

CHARTER COMMUNICATIONS, LLC.,/
CHARTER COMMUNICATIONS, INC.
d/b/a CHARTER COMMUNICATIONS

FILED

DEC 09 2013

Defendant.

COMPLAINT

Carolyn Wilson Hawkins
CAROLYN WILSON HAWKINS
CIRCUIT COURT CLERK

Comes the plaintiff, by and through her counsel of record, and would respectfully show unto this Honorable Court as follows:

1. The plaintiff, Betty Roark, is a citizen and resident of Johnson County, currently residing at 169 Village Square Lane, Apartment # 108, Mountain City, Tennessee.
2. The defendant, Charter Communications, LLC., is a limited liability company doing business in North Carolina and Tennessee who registered agent for service of process is Corporation Service Company, 327 Hillsborough Street, Raleigh, NC 27603. Charter Communications does business out of its offices at 755 George Wilson Road, Boone, NC 28607. Charter Communications, Inc., is the designated manager of Charter Communications, LLC.
3. That at all times pertinent hereto, the defendant was responsible for maintaining the telecommunications cables located at the Village Apartments where the plaintiff resided.
4. On or about December 28, 2012, the plaintiff was walking back to her apartment building. While the plaintiff was walking in the yard behind her apartment

DEFENDANT'S COPY

PREPARED BY
JESSEE & JESSEE
Attorneys at Law
POST OFFICE BOX 997
MOUNTAIN CITY, TENNESSEE
37605-0997
423/928-7175

building, her foot got tangled in a cable that was lying on the ground which caused her to fall with great impact thereby causing her to experience great pain and suffer injuries which will be more specifically mentioned hereinafter.

5. The defendant intentionally ran a telecommunications cable from one building in the apartment community to another building. The defendant also intentionally placed the cable on the ground making it difficult to see.

6. The plaintiff avers that the defendant was guilty of the following acts of negligence, which acts of negligence are one or more of the same, were the direct and proximate cause the accident and ensuing injuries and damages, to wit:

- a. Installing and maintaining the cable on the ground where residents and invitees of the Village Apartments would be unable to see the cable;
- b. Failing to post signs or other warnings to apprise residents and invitees of the Village Apartments that the cable was on the ground and therefore difficult to see;
- c. Failing warn residents and invitees of the Village Apartments of the cable generally;
- d. Failing to take action when they knew or should have known that a dangerous condition existed;
- e. Was otherwise negligent in failing to apprise the plaintiff of the cable.

7. That as a direct and proximate result of the aforementioned acts of negligent conduct, or one or more of the same, committed by the defendant, the following damages have been sustained by the plaintiff, to wit:

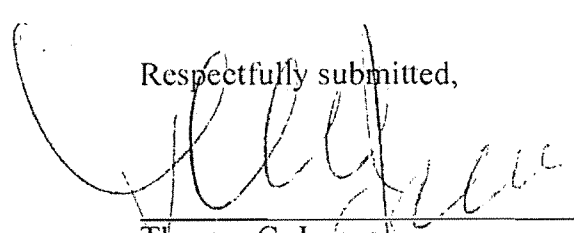
- a. A left proximal humerus fracture;
- b. Medical bills, past, present, and future;
- c. Physical pain and suffering;

- d. Mental anguish;
- e. Lost income and wages;
- f. Loss of the enjoyment of life;
- g. Permanent physical impairment.

8. The plaintiff avers that the wilful, wanton and grossly negligent actions of the defendant entitles the plaintiff to recover punitive damages.

WHEREFORE, plaintiff prays for an Order of this Court granting judgment against the defendant in the amount of \$637,000.00 compensatory damages; \$200,000.00 in punitive damages; and for such other general and further relief to which she may show herself entitled to upon a hearing of this cause. The plaintiff respectfully requests that a jury try her cause.

Respectfully submitted,



Thomas C. Jessee
Jessee & Jessee
P.O. Box 997
Johnson City, TN 37604
423-928-7175
BPR 000113

Steve McEwen
Grayson, Wright & McEwen
P.O. Box 51
Mountain City, TN 37683
423-727-9671
BPR 015097

PREPARED BY
JESSEE & JESSEE
Attorneys at Law
POST OFFICE BOX 997
HNSON CITY, TENNESSEE
37605-0997
423/928-7175

COST BOND

We acknowledge ourselves as Security for costs in this cause.

By: Thomas C. Jessee

PREPARED BY
JESSEE & JESSEE
Attorneys at Law
POST OFFICE BOX 997
HNSON CITY, TENNESSEE
37605-0997
423/928-7175